

**Law Offices of  
GREGORY D. D'ANTONIO**  
P.O. Box 43306  
Tucson, Arizona 85733-3306  
gregorydantonio@aol.com  
Arizona State Bar No. 004689  
Telephone (702) 682-8353  
Attorney for Defendant Swentnickas

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,	)	Case Number: CR 05 1849 JH
Plaintiff,	)	UNOPPOSED
v.	)	MOTION TO PERMIT TRAVEL
DANA JARVIS, <i>et al.</i> ,	)	
Defendants.	)	

Comes now the Defendant, SWENTNICKAS, and hereby moves the Court to permit the Defendant to travel for summer visitation with his father in accordance with the itinerary attached hereto as exhibit "1." This Motion is made pursuant to 18 U.S.C.A. sec. 3142 *et seq.*, and 18 U.S.C.A. 3145 *et seq.* and is supported by the accompanying Memorandum of Points and Authorities and proposed form of Order. Pursuant to D.N.M.LR-Cr. 47, the terms and conditions of release set forth in the proposed form of Order have been approved by counsel for the United States of America, James Braun, and Pretrial services and this Motion has the concurrence of the United States of America and Pretrial Services.

Submitted this 26th day of June, 2007.

S/  
\_\_\_\_\_  
GREGORY D. D'ANTONIO  
Attorney for Defendant Swentnickas

## MEMORANDUM OF POINTS AND AUTHORITIES

I.  
BACKGROUND FACTS

Thomas Benjamin Swentnickas, a single man, was previously ordered released from pre-trial confinement by this court. He is currently residing in Tucson, Arizona with his brother in law and his sister Marie Higgins. He is employed by his brother in law in his Native art business. In his unopposed motion to set conditions of release, the Defendant notified the court of his desire to pay his last respects to his father who is elderly and infirm.

In that regard, the Defendant requested permission to travel during the Christmas holidays to Connecticut and New York to visit is father and relatives from pre-trial services who agreed to his request. He also submitted his request to AUSA James Braun who also agreed to the request. The Court granted the request and the Defendant was able to visit with his father and family over the Christmas holidays. Traditionally the Defendant has also visited his father during the summer months during which time he also performs all needed maintenance to his father's home . Accordingly, the Defendant requests permission to travel in accordance with the attached itinerary.

II.  
THE BAIL REFORM ACT PERMITS  
THE COURT TO SET APPROPRIATE  
CONDITIONS OF RELEASE

The court has broad latitude in setting conditions of release to include travel

1 restrictions pursuant to 18 U.S.C. 3142 *et seq.* This Defendant has previously  
2 been granted release and only requires that the court modify the travel restrictions  
3 to permit the requested visits. 18 U.S.C.A. 3142 9 c .

4  
5 Based upon the foregoing, the Defendant requests that the court enter an order  
6 permitting travel in accordance with the itinerary submitted herewith in  
7 accordance with the proposed form of Order submitted with this Unopposed  
8 Motion.

9  
10 S/ \_\_\_\_\_  
11 GREGORY D. D'ANTONIO  
12 Attorney for Defendant Swentnickas

13 CERTIFICATE OF SERVICE

14 I hereby certify that on June 26, 2007, I electronically transmitted the  
15 attached document to the Clerk's Office using the CM/ECF System for filing and  
16 transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

17 United States Attorney

18 AUSA James Braun

19 PO Box 607

20 Albuquerque, NM 87103

21 James.Braun@usdoj.gov

22 Stephen D. Aarons

23 PO Box 1027/ 300 Catron St

24 Santa Fe, NM 87504-1027

25 aar095@yahoo.com

26 Attorney for Matthew Hothan

27 Roberto Albertorio

28 P.O. Box 91387

Albuquerque, NM 87199-1387

ralbertorio@cabq.gov

Attorney for Lloyd Montoya

1 Zubair Aslamy  
2 Aslamy, Workman & Carpenter, P.C.  
3 1414 W. Broadway Road, Suite 122  
4 Tempe, Arizona 85282  
5 [zaslamy@aslamylaw.com](mailto:zaslamy@aslamylaw.com)  
6 Attorney for David Reid

7 Chuck Aspinwall  
8 P.O. Box 984  
9 Los Lunas, NM 87031-0984  
10 [legal\\_eagle@comcast.net](mailto:legal_eagle@comcast.net)  
11 Attorney for John Patrick Nieto

12 Jason Bowles  
13 PO Box 25186  
14 201 3<sup>rd</sup> NW, Ste. 1370  
15 Albuquerque, NM 87125-5186  
16 [jason@bowlesandcrow.com](mailto:jason@bowlesandcrow.com)  
17 Attorney for George Ripley

18 Rudolph Chavez  
19 2014 Central Ave., SW  
20 Albuquerque, NM 87104  
21 [rbclaw@spinn.net](mailto:rbclaw@spinn.net)  
22 Attorney for Rafal Mistrzak

23 Kari Converse  
24 2001 Carlisle Blvd., NE, Ste. E  
25 Albuquerque, NM 87110-4943  
26 [kariconverse@earthlink.net](mailto:kariconverse@earthlink.net)  
27 Attorney for Greg Hill

28 Robert Cooper  
1011 Lomas Blvd. NW  
Albuquerque, NM 87102  
[bob@rrcooper.com](mailto:bob@rrcooper.com)

1 Attorney for Adrian Sanford

2 Scott Davidson

3 1011 Lomas Blvd. NW

4 Albuquerque, NM 87102

(505) 366-4797

5 [scott@smdappellatelaw.com](mailto:scott@smdappellatelaw.com)

6 Motions for all CJA Defendants

7 Ken Gleria

8 1008 5<sup>th</sup> ST NW

9 Albuquerque, NM 87102

10 [kgleria45@comcast.net](mailto:kgleria45@comcast.net) or [BLUEGHOST15@hotmail.com](mailto:BLUEGHOST15@hotmail.com) (Avery)

11 Attorney for Holly Bruner

12 Bob Gorence

201 12 ST NW

13 Albuquerque, NM 87102

14 [gorence@swcp.com](mailto:gorence@swcp.com)

15 Attorney for Dennis Wilson

16 Jerry D. Herrera

620 Roma Ave., NW

17 Albuquerque, NM 87102-2037

18 [jdhcrimlaw@cs.com](mailto:jdhcrimlaw@cs.com)

19  
20 Todd Hotchkiss

21 P.O. Box 26807

22 Albuquerque, NM 87125-6907

[tshotchkiss@earthlink.net](mailto:tshotchkiss@earthlink.net)

23 Attorney for Dakota Fitzner

24 Kirtan K. Khalsa

25 Fine Law Firm

26 812 Marquette, NW

27 Albuquerque, NM 87102

1 kkhalsa@thefinelawfirm.com

2 Attorney for Sam Jones

3 Martin Lopez III

4 1500 Mountain Rd., NW

Albuquerque, NM 87104-1359

5 ML3LAW@aol.com or Jan5Her@aol.com

6 Attorney for Geno Berthod

7 Timothy M. Padilla

8 Timothy M. Padilla & Associates

9 1412 Lomas Blvd. NW

Albuquerque, NM 87104-1236

10 tmpad@juno.com or rhonda@lomaslawoffice.com

11 Attorney for Manuel Gil-Vasquez

12 John Robbenhaar

13 1011 Lomas NW

Albuquerque, NM 87102

14 jrobbenhaar@lomaslaw.com

15 Ayla Jarvis

16 Joe M. Romero Jr.

17 1905 Lomas Blvd. NW

18 Albuquerque, NM 87104-1207

19 joe@jromerolaw.com

20 Attorney for Dana Jarvis

21 John Samore

22 P.O. Box 1993

23 Albuquerque, NM 87103-1993

24 samoreJFM@aol.com

25 Attorney for Melania Kirwin

26 Ann Steinmetz

1 Box 4305  
2 Albuquerque, NM 87196-4305  
3 annstnmtz@aol.com  
4 Attorney for Mary Cannant

5 S/ \_\_\_\_\_  
6 GREGORY D. D'ANTONIO  
7 Attorney for Defendant  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28